IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1759 OF 2006
IN
CRIMINAL APPEAL NO. -- OF 2006

Amjad Ali Abid Ali Siddiqui ...Applicant
(Orig.Complainant)

V/s.

Mr.Sanjay Jaiswal & Anr. ...Respondents

Mr.N.P. Bhavsar for the Applicant.
Mr.R.R. Bhatkar for Respondent No.1.
Mr.Y.M. Nakhawa, APP for State.

CORAM : V.M. KANADE, J.

DATED : OCTOBER 8, 2007

P.C. :-

. The applicant is challenging the judgment and order passed by the Metropolitan Magistrate, 30th Court, Kurla, Mumbai, whereby the learned Magistrate was pleased to acquit the accused for the offence punishable under Section 138 of the Negotiable Instruments Act.

2. In the present case, the accused denied his signature on the cheque. The complainant did not prove that the signature on the cheque was that of the accused. The trial Court, therefore, dismissed the complaint. I have perused the notes of evidence which

is annexed to the Criminal Appeal. In my view, the trial Court was justified in recording the finding that the complainant had not proved that the signature on the cheque was that of the accused.

3. Under the circumstances, no case is made out for grant of leave. Leave, accordingly, is refused.

(V.M. KANADE, J.)